



PATENT APPLICATION
Attorney Docket No. 29250-000346/US

IN THE U.S. PATENT AND TRADEMARK OFFICE

Appellant: Rudrapatna, Ashok Conf. No.: 6981
Appl. No.: 09/750,216 Group: 2661
Filed: December 29, 2000 Examiner: I. Moore
For: SYSTEM AND METHOD FOR IMPLEMENTING A
WIRELESS ISOCHRONOUS DATA SERVICE

APPELLANTS' BRIEF ON APPEAL UNDER 37 C.F.R. §41.37

Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314
Mail Stop Appeal Brief - Patents

May 23, 2005

Sir:

In accordance with the provisions of 37 C.F.R. §41.37, Appellants
submit the following:

I. REAL PARTY IN INTEREST:

The real party in interest in this appeal is Lucent Technologies.

Assignment of the application was submitted to the U.S. Patent and
Trademark Office and recorded on at Reel 11595, Frame 994.

05/24/2005 SZEWDIE1 00000024 09750216

01 FC:1402
02 FC:1251

500.00 OP
120.00 OP

II. RELATED APPEALS AND INTERFERENCES:

There are no known appeals or interferences that will affect, be directly affected by, or have a bearing on the Board's decision in this Appeal.

III. STATUS OF CLAIMS:

Claims 1-42 are pending in the application, with claims 1, 21, 35 and 41 written in independent form.

Claims 1-5, 7, 8, 13, 21-23, 30, 31, 35-29, 41, and 42 stand rejected under 35 U.S.C. § 102 (b) as being anticipated by Henry.

Claims 6 stands rejected under 35 U.S.C. § 103 (a) as being unpatentable over Henry.

Claims 9 and 10 stand rejected under 35. U.S.C § 103 (a) as being unpatentable over Henry in view of Andersson.

Claims 11, 12, 24-29, 32-34, and 40 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Henry in view of Chang.

Claim 14 stands rejected under 35 U.S.C. 103 (a) as being unpatentable over Henry in view of Dunn.

Claims 15-20 stand rejected under 35 U.S.C. 103 (a) as being unpatentable over Henry in view of Forslow.

Claims 1-42 remain finally rejected and are being appealed.

IV. STATUS OF AMENDMENTS:

No amendment was requested subsequent to the Final Office Action dated November 22, 2004.

V. SUMMARY OF CLAIMED SUBJECT MATTER:

Fig. 2 illustrates a communication system in accordance with an embodiment of the claimed invention. As shown, a wireless data terminal 200 may communicate with a wireless data network 204, which is connected to the Internet 208 via a gateway server 206. The gateway server 206 is also connected to a wireless switched network 202 and/or a public switched telephone network (PSTN) 210. In addition, the Internet 208 is able to communicate with PSTN 210 through a voice gateway server 212.¹ Thus, the terminal may communicate with a PC computer 214 (or the like) connected to the Internet 208 or with an IP telephony-enabled telephone 216 connected to the Internet 208. Likewise, terminal 200 may communicate with a PSTN telephone 218.²

Fig. 4 is a flow chart illustrating call processing according to an embodiment of the claimed invention. A call is placed from the wireless data terminal 200 to a PSTN phone 218. The data (which is usually initially in IP packet form) that is to be sent is identified as delay sensitive or delay insensitive (step 302). The determination of whether the data is delay sensitive or delay insensitive may occur at the terminal 200 or

¹ See pages 5-6 of the specification.

² See first paragraph on Page 7 of the specification.

externally by hardware or software.³ If the data is delay insensitive (i.e., “no” in step 302), the packet data is routed (in a known manner using existing wireless data network methods) via wireless data network 204 and gateway server 206 (in a transparent pass-through manner) so as to be transmitted across the Internet 208 (step 304) to its destination.⁴

If the transmitted data is identified as being delay sensitive in step 302, then the parameters (phone number, data rate, etc.) for placing a cellular call (a cellular call is used here as an example) are obtained from the data being transmitted (see, for example, the discussion of Figure 3 below) in step 314. A cellular call is then placed by terminal 200 via connection 201, using known hardware and/or software provided, for example, as part of terminal 200 (step 316). The cellular call made via wireless circuit switched network 202 is placed in a manner well-known in the field of cellular wireless communication.⁵

Wireless circuit switched network 202 is connected to PSTN 210 in a well-known manner, so the cellular call from terminal 200 is connected to PSTN phone 218 (step 318). Once PSTN phone 218 answers the call, the delay sensitive information is transmitted between terminal 200 and PSTN phone 218 by way of wireless circuit switched network 202 (step 320) until the call is terminated and disconnected in a known way (step 322).⁶

³ See first full paragraph on page 8 of the specification.

⁴ See second full paragraph on page 8 of the specification.

⁵ See last paragraph beginning on page 8 of the specification.

⁶ See first full paragraph on page 9 of the specification.

Alternatively, when delay sensitive data is being transmitted, terminal 200 may communicate with wireless circuit switched network 202 via wireless data network 204 (including gateway server 206). In this case, terminal 200 may not necessarily be equipped to place a cellular call, and only requires the known hardware and/or software to communicate with the convention wireless data network 204. Instead, for example, the wireless data network 204 (especially gateway server 206) may be configured to establish a cellular connection. The routing of the call from wireless circuit switched network 202 to PSTN phone 218 is thereafter the same as discussed above.⁷

In one embodiment of the present invention, data by the wireless data device is initially in packet form, such as packet 112, shown in Figure 3. Thus, identifying whether the data therein is delay sensitive or not may include identifying an application identifier in the header 114 of the each data packet 112. In particular, if the application identifier corresponds with the User Datagram Protocol (UDP), this indicates that the packet payload 116 may contain streaming data, which is considered delay sensitive.⁸ For example, streaming data such as voice, video or multimedia may be delay sensitive.⁹ Thus, the payload 116 is examined upon detection of the UDP identifier in the packet header. The payload 116, in turn,

⁷ See second full paragraph on page 9 of the specification.

⁸ See first full paragraph on page 12 of the specification.

⁹ See second full paragraph on page 2 of the specification.

contains a protocol identifier 118 that indicates what type of data is contained in payload 116, and information regarding call parameters, such as the destination phone number. This information is used to translate and transfer between circuit switched and packet switched modes.¹⁰

VI. GROUND S OF REJECTION TO BE REVIEW ON APPEAL:

Appellants seek the Board's review of the rejection of claims 1-5, 7, 8, 13, 21-23, 30, 31, 35-29, 41, and 42 under 35 U.S.C. § 102 (b) as being anticipated by Henry; the rejection of claim 6 under 35 U.S.C. § 103 (a) as being unpatentable over Henry; the rejection of claims 9 and 10 under 35 U.S.C § 103 (a) as being unpatentable over Henry in view of Andersson; the rejection of claims 11, 12, 24-29, 32-34, and 40 under 35 U.S.C. § 103(a) as being unpatentable over Henry in view of Chang; the rejection of claim 14 under 35 U.S.C. 103 (a) as being unpatentable over Henry in view of Dunn; and the rejection of claims 15-20 under 35 U.S.C. 103 (a) as being unpatentable over Henry in view of Forslow.

¹⁰ See first full paragraph on page 12 of the specification.

VII. ARGUMENTS:

A. Appellants traverse the rejection of claims 1-5, 7, 8, 13, 21-23, 30, 31, 35-29, 41, and 42 under 35 U.S.C. § 102 (b) as being anticipated by Henry

Independent claim 1 is argued in detail below. Independent claims 21, 35 and 41 include similar limitations to claim 1 and are therefore patentable at least for the reasons stated with respect to claims 1. Accordingly, for the purposes of this appeal claims 1-42 rise and fall together.

i) Claim 1

Henry teaches a method for combining D-AMPS and CDPD protocols to provide new forms of end-user equipment in a cellular mobile radiotelephone system. Referring to Fig. 5(a) and Fig. 5(b), Henry teaches that existing terminals may operate in CDPD or D-AMPS mode, which can be chosen by the user or an external device. A mobile station is activated in D-AMPS and PDCH, which is an added logical sub-channel on the IS-136 digital control channel, where the default operation mode is D-AMPS. When the mobile station is in IS-136 sleep mode and receives a page, the mobile station will enter CDPD mode. When the mobile station is in IS-136 sleep mode and a voice message or call is received, the mobile station is assigned a D-AMPS traffic channel for a voice call. As a result, a mobile

station has the ability to switch modes of operation to receive voice and packet data (Col 14, lines 20-21 of Henry). As a result, Henry discloses methods for allowing a mobile station to receive voice or packet data.

The Examiner asserts that Henry teaches:

a data analyzer (see FIG. 4, a combined system of Processing Unit 180 and transceiver 170) for identifying if data being transmitted is delay sensitive (see FIG. 7d, voice) or delay insensitive (see FIG. 7d, CDPD/packet; see col. 15, lines 10-14, 33-27; see col. 6, lines 25-35; note that the combined system identifies/determines whether the data that is transmitted is voice (i.e. voice mode) or packet (i.e. CDPD/packet mode).

-Page 3 of the November 22, 2004 Final Office Action
(See also a reiteration in the third full paragraph on page 20 of the
Final Office Action)

Namely, the Examiner has stated that the Processing Unit 180 of Henry performs the "identifying" of claim 1. The Appellant traverses this analogy. In Col. 6, lines 28-31 Henry discloses that the Processing Unit 180 evaluates received control channel information, which includes the characteristics of cells that are available for a mobile station to lock on to, and determines on which cell the mobile station should lock. Further, Henry discloses a method for choosing whether a mobile station operates in D-AMPS or PDCH mode, where the D-AMPS mode is used to send voice data and the PDCH mode is used to send packet data. It appears that the Examiner has mistakenly considered packet data sent in PDCH mode as delay insensitive data and voice data sent in D-AMPS mode as delay sensitive data.

On page 21 of the November 22, 2004 Final Office Action, the Examiner continues by stating:

Examiner also asserts a "delay sensitive" data as "voice" and "delay insensitive" data as "packet". Thus, Henry clearly anticipated the claimed invention.

However, packet data, for example, is not always delay insensitive data. For example, packet data such as streaming video or high priority packet data is often extremely delay sensitive (see page 2, first full paragraph of Appellant's specification). Henry only recognizes or identifies an operating mode based on whether data to be transmitted is voice data or packet data. Henry does not disclose or suggest a method for "identifying if data being transmitted is delay sensitive or delay insensitive" as recited in claim 1.

The Examiner responds to these arguments by stating on page 21 of the November 22, 2004 Final Office Action:

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., **PDCH mode, D-AMPS mode, or modes**) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

In response to Appellant's argument that the references fail to show certain features of Appellant's invention, it is noted that the features upon which Appellant relies (i.e., **always** delay sensitive

data, **always** delay insensitive data, or streaming **video**, or **high priority** packet data) are not recited in the rejection claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read in to the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). (emphasis in the original)

This line of reasoning by the Examiner does make sense to Appellants. Claim 1 recites "identifying if data being transmitted is delay sensitive or delay insensitive." Because Henry fails to distinguish between delay sensitive packet data and delay insensitive packet data, Henry fails to identify if data being transmitted is delay sensitive or delay insensitive. Why the word "always" would be required to understand this distinction, or why a discussion of D-AMPS or PDCH modes would be required, is beyond Appellant's comprehension. Appellants submit that the Examiner is simply incorrect in his reasoning.

ii) Claims 21, 35, 41

Independent claims 21, 35, and 41 include similar limitation to claim 1; and therefore, are patentable at least for the reasons stated above with respect to claim 1.

**iii) Dependent Claims 2-5, 7, 8, 13, 22, 23, 30, 31, 36-39,
and 42**

Claims 2-5, 7, 8, 13, 22, 23, 30, 31, 36-39, and 42 dependent on claims 1, 21, 35, and 41 are patentable for the reasons stated above with respect to claims 1, 21, 35, and 41 as well as on their own merits.

**B. Appellants traverse the rejection of claim 6 under 35
U.S.C. § 103 (a) as being unpatentable over Henry**

For the reasons stated above, Henry does not disclose all aspects of the claimed invention in claim 1. Because claim 6 is dependent upon claim 1, claim 6 is patentable at least for the reasons stated above with respect to claim 1.

**C. Appellants traverse the rejection of claims 9 and 10
under 35 U.S.C § 103 (a) as being unpatentable over
Henry in view of Andersson**

For the reasons stated above, Henry does not disclose all aspects of the claimed invention in claims 1. A cursory review of Andersson reveals that it does not overcome the disclosure and suggestion deficiencies of Henry with respect to claim 1. Claims 9 and 10, dependent upon claim 1,

are patentable for the reasons stated above with respect to claim 1 as well as on their own merits.

D. Appellants traverse the rejection of Claims 11, 12, 24-29, 32-34, and 40 under 35 U.S.C. § 103(a) as being unpatentable over Henry in view of Chang.

For the reasons stated above, Henry does not disclose or suggest all aspects of claim 1. Further, a cursory review of Chang reveals that it does not overcome the disclosure and suggestion deficiencies of Henry with respect to claim 1. Claims 11, 12, 24-29, 32-34, and 40 are allowable due to their dependency on claims 1 as well as on their own merits.

E. Appellants traverse the rejection of Claim 14 under 35 U.S.C. § 103(a) as being unpatentable over Henry in view of Dunn.

The Examiner asserts that Dunn teaches:

data being transmitted is multimedia data (i.e. multimedia conference session) comprising a delay sensitive portion (i.e. voice signal portion) and a delay insensitive portion (i.e. data signal portion), the delay sensitive portion being transmitted by the wireless communication connection (see Fig. 3, PSTN 1) and the delay insensitive portion being transmitted by packet transmission (see Fig. 3, Web/Internet 16; see col. 2, line 42-53; note that voice signal portion of multimedia session/data is routed via PSTN and data signal portion of multimedia session/data is routed via Web/Internet).

-Page 14-15 of the November 22, 2004 Final Office Action
(See also a reiteration in the second full paragraph on page 22 of the Final Office Action)

It appears that the Examiner has mistakenly considered the voice signal portion of the multimedia data as delay sensitive and the data signal portion of the multimedia data as delay insensitive. However, the data signal portion of multimedia data is not always delay insensitive data. For example, the data signal portion of multimedia data can be assigned a high priority making it delay sensitive (see page 2, first full paragraph of Appellant's specification). Dunn only recognizes or identifies multimedia data as consisting of a data signal portion and a voice signal portion. As with Henry, Dunn does not disclose "identifying if data being transmitted is delay sensitive or delay insensitive" as recited in claim 1. As such Henry in view of Dunn can not render at least this limitation of claim 1 obvious to one skilled in the art.

On page 22 of the November 22, 2004 Final Office Action, the Examiner continues by stating:

As stated above, examiner asserts "multimedia delay sensitive" data as "multimedia voice" signal portion, and "multimedia delay insensitive" data as "multimedia data" signal portion. Thus, Dunn clearly anticipated the claimed invention.

However, packet data such as the multimedia data signal portion is not always delay insensitive data. For example, packet data such as streaming

video or high priority packet data is often extremely delay sensitive (see page 2, first full paragraph of Appellant's specification). Dunn only recognizes or identifies multimedia data as consisting of a data signal portion and a voice signal portion. As with Henry, Dunn does not disclose "identifying if data being transmitted is delay sensitive or delay insensitive" as recited in claim 1. As such Henry in view of Dunn can not anticipate or render this limitation of claim 1 obvious to one skilled in the art.

The Examiner further responds on page 22 of the November 22, 2004

Final Office Action:

In response to Appellant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). Identifying if data being transmitted is delay sensitive or delay insensitive step is already taught the Henry. Dunn reference is used in order to show the **well-known** teaching of the **multimedia** data containing delay sensitive voice signals and delay insensitive data signals. Thus, Henry in view of Dunn discloses all claimed limitations. (emphasis in the original).

First, Appellants have shown that both Henry and Dunn fail to "identifying if data being transmitted is delay sensitive or delay insensitive," and thus demonstrated that a combination of these references can not result in a teaching of this limitation. The Examiner erroneously concludes that Henry teaches this limitation, but Henry, as shown above, does not.

That the Examiner is relying on Dunn as showing multimedia data containing delay sensitive and delay insensitive data is misplaced. Dunn teaches multimedia data containing voice signals and data signals – both of which may be delay sensitive, but Dunn can not identify this situation.

Because both Henry and Dunn fail to distinguish between delay sensitive packet data and delay insensitive packet data, Henry in view of Dunn fails to identify if data being transmitted is delay sensitive or delay insensitive.

Consequently, Henry in view of Dunn cannot render claim 1 obvious to one skilled in the art. Therefore, claim 14 is allowable at least because of its dependency on claim 1 as well as on its own merits.

F. Appellants traverse the rejection of Claims 15-20 under 35 U.S.C. 103 (a) as being unpatentable over Henry in view of Forslow.

For the reasons stated above, Henry does not disclose all aspects of the claimed invention in claim 1. Further, a cursory review of Forslow reveals that it does not overcome the disclosure and suggestion deficiencies of Henry with respect to claim 1. Because of the dependency of claims 15-20 on claim 1, as well as on their own merits, claims 15-20 are allowable.

VIII. CONCLUSION:

Appellants respectfully request the Board to reverse the Examiner's anticipation and/or obviousness rejection of claims 1-42.

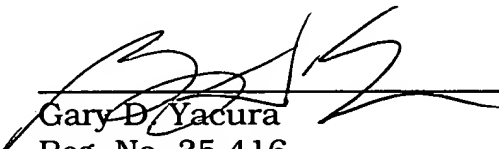
Pursuant to 37 C.F.R. 1.17 and 1.136(a), the Appellants respectfully petition for a one extension of time for filing a response in connection with the present application, and the required fee of \$110 is attached.

The Commissioner is authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

HARNESS, DICKEY, & PIERCE, P.L.C.

By:


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CLAIMS APPENDIX

Claims 1-42 on Appeal:

1. A method for transmitting data comprising:

identifying if data being transmitted is delay sensitive or delay insensitive;

using packet transmission to transmit delay insensitive data; and

establishing a wireless communication connection to transmit delay sensitive data.
2. The method according to claim 1, wherein using packet transmission comprises using Internet Protocol packet transmission.
3. The method according to claim 1, wherein establishing a wireless communication connection comprises establishing one of a wireless circuit switched communication connection, a Personal Communication System connection, and a radio connection.
4. The method according to claim 1, wherein establishing a wireless communication connection comprises establishing a wireless circuit switched communication connection.

5. The method according to claim 4, wherein establishing a wireless circuit switched communication connection includes determining call parameters for establishing the wireless circuit switched communication connection.

6. The method according to claim 5, wherein determining call parameters for establishing the wireless circuit switched communication connection comprises extracting call parameter information from the data being transmitted.

7. The method according to claim 5, wherein determining call parameters for establishing the wireless circuit switched communication connection includes at least one of identifying a call destination and determining a rate of data transmission.

8. The method according to claim 4, further comprising connecting the wireless circuit switched communication connection with a PSTN.

9. The method according to claim 4, further comprising connecting the wireless circuit switched communication connection with the Internet.

10. The method according to claim 9, wherein connecting the wireless circuit switched communication connection with the Internet includes providing a gateway server operatively between a wireless circuit switched communication network and the Internet.

11. The method according to claim 2, wherein using packet transmission to transmit delay insensitive data comprises using packet transmission to send data over the Internet.

12. The method according to claim 11, further comprising connecting the Internet connection to a PSTN.

13. The method according to claim 1, wherein the delay sensitive data includes one or more of voice data, video data, and multimedia data.

14. The method according to claim 1, wherein the data being transmitted is multimedia data comprising a delay sensitive portion and a delay insensitive portion, the delay sensitive portion being transmitted by the wireless communication connection and the delay insensitive portion being transmitted by packet transmission.

15. The method according to claim 1, wherein the data being transmitted is initially packetized, each data packet comprising a header and payload, wherein identifying if the data being transmitted is delay sensitive or delay insensitive comprises:

identifying an application identifier in a respective packet header; and
depending on the application identifier, examining the packet payload.

16. The method according to claim 15, wherein identifying an application identifier comprises determining if the application identifier corresponds to the User Datagram Protocol.

17. The method according to claim 16, comprising examining the data packet payload if the application identifier corresponds to the User Datagram Protocol.

18. The method according to claim 16, wherein examining the data packet payload comprises identifying if the data packet payload contains voice data.

19. The method according to claim 16, wherein examining the data packet payload comprises identifying if the data packet payload contains video data.

20. The method according to claim 16, wherein examining the data packet payload comprises identifying if the data packet payload contains multimedia data.

21. A method for transmitting data between a first node and a second node, comprising:

identifying if data being transmitted is delay sensitive or delay insensitive;

using packet transmission to transmit delay insensitive data; and

establishing a wireless communication connection to transmit delay sensitive data.

22. The method according to claim 21, wherein the first node is a wireless data terminal and the second node is on a PSTN.

23. The method according to claim 22, wherein delay sensitive data is transmitted between the first node and the second node by way of a cellular network.

24. The method according to claim 23, wherein delay insensitive data is transmitted between the first node and the second node by way of the Internet.

25. The method according to claim 21, wherein the first node is a wireless data terminal and the second node is on the Internet.

26. The method according to claim 25, wherein delay insensitive data is transmitted between the first node and the second node by way of a wireless data network.

27. The method according to claim 26, comprising providing a gateway server between the wireless data network and the Internet.

28. The method according to claim 25, wherein delay sensitive data is transmitted between the first node and the second node by way of a cellular network.

29. The method according to claim 28, comprising providing a gateway server between the cellular network and the Internet.

30. The method according to claim 21, wherein the first node is on a PSTN and the second node is a wireless data terminal.

31. The method according to claim 30, wherein delay sensitive data is transmitted from the first node to the second node by way of a cellular network.

32. The method according to claim 21, wherein the first node is on the Internet and the second node is a wireless data terminal.

33. The method according to claim 32, wherein delay sensitive data is transmitted from the first node to the second node by way of a cellular network.

34. The method according to claim 33, comprising providing a gateway server operatively between the Internet and the cellular network.

35. A wireless data terminal comprising:
a data analyzer for identifying whether data transmitted by the terminal is delay sensitive or delay insensitive;
a wireless circuit transmission system for transmitting delay sensitive data; and

a wireless packet transmission system for transmitting delay insensitive data.

36. The terminal according to claim 35, wherein said wireless transmission system is constructed and arranged to establish a wireless circuit switched communication connection.

37. The terminal according to claim 36, wherein said wireless transmission system comprises a computer peripheral card.

38. The terminal according to claim 35, wherein said packet transmission system is constructed and arranged to communicate with a packet data network.

39. The terminal according to claim 38, wherein the packet transmission system is constructed and arranged to communicate with a wireless data network.

40. The terminal according to claim 38, wherein the packet transmission system is constructed and arranged to communicate with the Internet.

41. A data communication network comprising a node on the data communication network constructed and arranged to selectively communicate with a cellular communication network or a wireless data network depending on whether data being sent to or received by the node is delay sensitive or delay insensitive.

42. The network according to claim 41, wherein the node is a wireless data terminal.

Please type a plus sign (+) inside this box → ☐**TRANSMITTAL
FORM**

(to be used for all correspondence after initial filing)

Application Number	09/750,216
Filing Date	December 29, 2000
Inventor(s)	Rudrapatna, Ashok
Group Art Unit	2661
Examiner Name	I. Moore
Attorney Docket Number	29250-000346/US

ENCLOSURES (check all that apply)☒ Fee Transmittal Form☒ Fee Attached☐ Amendment☐ After Final☐ Affidavits/declaration(s)☐ Extension of Time Request☐ Express Abandonment Request☐ Information Disclosure Statement☐ Certified Copy of Priority Document(s)☐ Response to Missing Parts/
Incomplete Application☐ Response to Missing
Parts under 37 CFR
1.52 or 1.53☐ Assignment Papers
(for an Application)☐ Letter to the Official Draftsperson and
____ Sheets of Formal Drawing(s)☐ Licensing-related Papers☐ Petition☐ Petition to Convert to a
Provisional Application☐ Power of Attorney, Revocation
Change of Correspondence Address☐ Terminal Disclaimer☐ Request for Refund☐ CD, Number of CD(s) ____☐ After Allowance Communication to
Group☐ LETTER SUBMITTING APPEAL
BRIEF AND APPEAL BRIEF (w/clean
version of pending claims)☒ Appeal Communication to Group
-APPEAL BRIEF☐ Proprietary Information☐ Status Letter☐ Other Enclosure(s)
(please identify below):

Remarks

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENTFirm
or
Individual name

Harness, Dickey & Pierce, P.L.C.

Attorney Name
Gary D. YacuraReg. No.
35,416

Signature

Date

May 23, 2005



Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

FEE TRANSMITTAL for FY 2005

Effective 10/01/2004. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 620

Complete if Known

Application Number 09/750,216
Filing Date December 29, 2000
First Named Inventor Ashok RUDRAPATNA
Examiner Name I. Moore
Art Unit 2661
Attorney Docket No. 29250-000346/US

METHOD OF PAYMENT (check all that apply)

☒ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None

☒ Deposit Account:

Deposit Account Number 08-0750

Deposit Account Name Harness, Dickey & Pierce, PLC

The Director is authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☐ Credit any overpayments
☐ Charge any additional fee(s) during the pendency of this application
☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1011	300	2011	150	Utility filing fee	
1012	200	2012	100	Design filing fee	
1013	200	2013	100	Plant filing fee	
1014	300	2014	150	Reissue filing fee	
1005	200	2005	100	Provisional filing fee	

SUBTOTAL (1)

(\$) 0

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	Extra Claims	Fee from below	Fee Paid
20 **	0	0	0
Independent Claims	3 **	0	0
Multiple Dependent			0

Large Entity		Small Entity		Fee Description
Fee Code	Fee (\$)	Fee Code	Fee (\$)	
1202	50	2202	25	Claims in excess of 20
1201	200	2201	100	Independent claims in excess of 3
1203	360	2203	180	Multiple dependent claim, if not paid
1204	200	2204	100	** Reissue independent claims over original patent
1205	50	2205	25	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2)

(\$) 0

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet.	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	120	2251	60	Extension for reply within first month	120
1252	450	2252	225	Extension for reply within second month	
1253	1020	2253	510	Extension for reply within third month	
1254	1,590	2254	795	Extension for reply within fourth month	
1255	2,160	2255	1080	Extension for reply within fifth month	
1401	500	2401	250	Notice of Appeal	
1402	500	2402	250	Filing a brief in support of an appeal	500
1403	1000	2403	500	Request for oral hearing	
1452	500	2452	250	Petition to revive - unavoidable	
1453	1500	2453	750	Petition to revive - unintentional	
1501	1400	2501	700	Utility issue fee (or reissue)	
1502	800	2502	400	Design issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17 (q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	790	2809	395	Filing a submission after final rejection (37 CFR § 1.129(a))	
1810	790	2810	395	For each additional invention to be examined (37 CFR § 1.129(b))	
1801	790	2801	395	Request for Continued Examination (RCE)	

Other fee (specify) _____


*Reduced by Basic Filing Fee Paid SUBTOTAL (3) (\$) 620

4. SEARCH/EXAMINATION FEES

1111	500	2111	250	Utility Search Fee	
1112	100	2112	50	Design Search Fee	
1113	300	2113	150	Plant Search Fee	
1114	500	2114	250	Reissue Search Fee	
1311	200	2311	100	Utility Examination Fee	
1312	130	2312	65	Design Examination Fee	
1313	160	2313	80	Plant Examination Fee	
1314	600	2314	300	Reissue Examination Fee	

SUBTOTAL (4) (\$) 0

SUBMITTED BY

Name (Print/Type)	Gary D. Yacura	Registration No. (Attorney/Agent)	35,416	Telephone	703-668-8000
Signature				Date	May 23, 2005

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.